



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,741	11/03/2004	Toshiro Miyazaki	2004-1092A	4568
513 7590 01/22/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER LEE, JOHN W	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. The response received on 09 January 2007 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Arguments

2. The applicant's argument filed on 13 December 2007 has been fully considered. A response to the argument is provided below.

Regarding claim 1, applicant argues that KODAK DC 280 ("KODAK DC240/280 Zoom Digital Camera User's Guide"), Park (US 5,231,490), and Takahashi (2003/0133034) do not disclose or suggest the claim limitations in claim 1. However, the examiner disagrees with the applicant and believes that all the claim limitations of claim 1 are disclosed or suggested by those references referring to the previous second office action.

The applicant strongly argues that none of the references used by the examiner's office action disclose or suggest the claim limitation, "a switching means for selecting", in claim 1. However, examiner cannot agree with the applicant about this. KODAK DC 240 is a digital camera, which can store pictures and select pictures for outputting or viewing after taking pictures. Takahashi discloses a compression circuit (Fig. 1-30) which selects a compression mode to be implemented by the compression circuit (Fig. 1-29) (paragraph [0070]). From these two references, the claim limitation, "a switching means for selecting", of claim 1 can be rejected. In other words, KODAK DC 240 discloses a switching means for selecting image for outputting selected image ("KODAK DC 240

is a digital camera, which can store pictures and select pictures for outputting or viewing after taking pictures"), and Takahashi discloses the compressed image generated by said image compression processing means ("Takahashi discloses a compression circuit (Fig. 1-30) which selects a compression mode to be implemented by the compression circuit (Fig. 1-29) (paragraph [0070])").

The facts, "Further it is noted (page 3, lines 17-32; page 4, lines 1-3)", look like the applicant's hindsight which is not based on the claims or the second office action, but applicant's knowledge. Moreover, the examiner only reviews on merits of the claims. Even though these facts are correct information, it has no relevancy with the claim rejections of the second office action.

Therefore, claim 1 rejection cannot be withdrawn, and claims 5 and 9 rejection might as well not be withdrawn for the same reason discussed above. Accordingly, the rest of the dependent claims 2-3, 6-7, and 10-11 cannot be withdrawn for being dependent of the independent claims 1, 5, or 9 and the reasons disclosed in the second office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

Application/Control Number:
10/501,741
Art Unit: 2624

Page 4

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John W. Lee
(AU 2624)


JINGGE WU
SUPERVISORY PATENT EXAMINER